

Amendments to the Claims

1. *(cancelled)*

2. *(currently amended)*

The mascara composition of claim **[[1]] 38**, wherein the keratin conditioning agent is selected from the group consisting of algae extracts, hydrolyzed vegetable protein and its derivatives, wheat and silk amino acids and other sources of amino acids, hydrolyzed mucopolysaccharides, and mixtures thereof.

3. *(currently amended)*

The mascara composition of claim **[[1]] 38**, wherein the keratin conditioning agent is selected from the group consisting of algae extracts, hydrolyzed vegetable protein and its derivatives, wheat and other sources of amino acids, and mixtures thereof.

4. *(currently amended)*

The mascara composition of claim **[[1]] 38**, wherein the keratin conditioning agent is selected from the group consisting of algae extracts, hydrolyzed vegetable protein and its derivatives, and mixtures thereof.

5. *(original)*

The mascara composition of claim 4, wherein the hydrolyzed vegetable protein derivative is hydrolyzed vegetable protein propylene glycol-propyl silanetriol.

6. *(cancelled)*

7. *(currently amended)*

The mascara composition of claim **[[1]] 38**, wherein the keratin conditioning agent is present in an amount of about 0.5% to about 3%.

8. *(currently amended)*

The mascara composition of claim **[[1]] 38**, wherein the keratin conditioning agent is present in an amount of about 0.5% to about 2%.

9. *(currently amended)*

The mascara composition of claim **[[1]] 38**, wherein the keratin conditioning agent is present in an amount of about 0.8% to about 1%.

10. *(currently amended)*

The mascara composition of claim ~~[[1]]~~ **38**, further comprising an emollient/moisturizing agent in an amount effective to moisturize eyelash fibers when the mascara composition is applied thereto.

11. *(original)*

The mascara composition of claim 10, wherein the emollient/moisturizing agent is selected from the group consisting of jojoba oil, lanolin oil, coconut oil, palm kernel glycerides, grape seed oil, evening primrose oil, sesame oil, castor oil, meadowfoam seed oil, emu oil, dimethicone copolyol meadowfoamate, wheat germ oil, macadamia nut oil, 5 avocado oil, and mixtures thereof.

12. *(original)*

The mascara composition of claim 10, wherein the emollient/moisturizing agent is selected from the group consisting of castor oil, emu oil, jojoba oil, wheat flour lipids, dimethicone copolyol meadowfoamate, wheat germ oil, macadamia nut oil, avocado oil, and mixtures thereof.

13. *(original)*

The mascara composition of claim 10, wherein the emollient/moisturizing agent is selected from the group consisting of dimethicone copolyol meadowfoamate, wheat flour lipids, wheat germ oil, macadamia nut oil, avocado oil, and mixtures thereof.

14. *(original)*

The mascara composition of claim 10, wherein the emollient/moisturizing agent is selected from the group consisting of dimethicone copolyol meadowfoamate, wheat germ oil, macadamia nut oil, avocado oil, and mixtures thereof.

15. *(original)*

The mascara composition claim 10, wherein the emollient/moisturizing agent is present in an amount of about 0.5% to about 5%.

16. *(original)*

The mascara composition of claim 10, wherein the emollient/moisturizing agent is present in an amount of about 1% to about 4%.

17. *(original)*

The mascara composition of claim 10, wherein the emollient/moisturizing agent is present in an amount of about 2% to about 3%.

18. *(original)*

The mascara composition of claim 10, wherein the emollient/moisturizing agent is present in an amount of about 2.5%.

19-21. *(cancelled)*

22. *(original)*

The mascara composition of claim 10, wherein the keratin conditioning agent is present in an amount of about 0.5% to about 5%; and the emollient/moisturizing agent is present in an amount of about 0.5% to about 5%.

23. *(cancelled)*

24. *(currently amended)*

The mascara composition of claim ~~[[1]]~~ 38, wherein the mascara composition has a viscosity of from about 40,000 cps to about 100,000 cps, as measured by a Brookfield viscometer at 77°F.

25. *(currently amended)*

The mascara composition of claim ~~[[1]]~~ 38, wherein the mascara composition has a viscosity of from about 40,000 cps to about 60,000 cps, as measured by a Brookfield viscometer at 77°F.

26. *(currently amended)*

The mascara composition of claim ~~[[1]]~~ 38, wherein the mascara composition has a viscosity of from about 40,000 cps to about 55,000 cps, as measured by a Brookfield viscometer at 77°F.

27. *(cancelled)*

28. *(currently amended)*

The mascara composition, of claim ~~[[1]]~~ 38, wherein the mascara base contains about 16% to about 17% wax, based upon the total weight of the mascara composition.

29. *(cancelled)*

30. *(currently amended)*

The mascara composition of claim ~~[[1]]~~ **38**, wherein the wax-like material is selected from the group consisting of rosinates, hydrogenated rosinates, polyamide resins, rubber, latex, shellac wax, and mixture thereof.

31. *(currently amended)*

The mascara composition of claim ~~[[1]]~~ **38**, wherein the wax-like material is shellac wax.

32. *(currently amended)*

The mascara composition of claim ~~[[1]]~~ **38**, wherein the keratin conditioning agent is present in an amount effective to condition the eyelashes when the mascara composition is applied thereto.

33. *(currently amended)*

The mascara composition of claim ~~[[1]]~~ **38**, wherein the keratin conditioning agent is present in an amount effective to increase the resistance of eyelash hair fibers to breaking, as compared to eyelash hair fibers that have been treated with a like mascara composition that does not contain the keratin conditioning agent.

34. *(original)*

In a mascara composition, the improvement comprising including in the composition, as a component thereof, a keratin conditioning agent in an amount effective to condition the eyelashes when the composition is applied thereto.

35. *(original)*

In a mascara composition, the improvement comprising including in the mascara composition, as a component thereof, a keratin conditioning agent in an amount effective to increase the resistance of hair fibers of eyelashes to breaking, as compared to eyelash hair fibers that have been treated with a like mascara composition that does not contain the keratin conditioning agent.

36. *(currently amended)*

In a mascara composition, the improvement comprising including in the mascara composition, as components thereof, (a) a keratin conditioning agent in an amount

effective to be gentle to the eyelashes, to be readily washed off, and to increase the resistance of hair fibers of eyelashes to breaking as compared to eyelash fibers that have been treated with a like mascara composition that does not contain the keratin conditioning agent and (b) an emollient/moisturizing agent in an amount effective to moisturize eyelash fibers when the mascara composition is applied thereto.

37. *(currently amended)*

A method for increasing the resistance of hair fibers of eyelashes to breaking comprising treating the eyelashes with an amount of a keratin conditioning agent effective to increase the resistance of the eyelash hair fibers to breaking as compared with eyelash hair fibers untreated with the keratin conditioning agent comprising applying to the eyelashes a

mascara composition comprising a mascara base and a keratin conditioning agent in an amount effective to improve the aesthetic appearance of a keratinous fiber to which said mascara composition is applied, wherein the mascara base is an oil-in-water emulsion comprised of a water phase in an amount of about 50 weight % to about 75 weight % and an oil phase in an amount of about 25 weight % to about 50 weight % of the total composition; and wherein the mascara base comprises:

(a) about 10 weight % to about 20 weight % of a cosmetically acceptable wax consisting essentially of a mixture of:

(i) about 1 weight % to about 10 weight % of at least one soft wax having a melting/softening point of about 35°F to about 65°F, and

(ii) about 1 weight % to about 10 weight % of a wax-like material that is a natural or synthetic resin or resin derivative;

(b) up to about 2.5 weight % of a cosmetically acceptable emulsifier; and about 0.5 weight % to about 5 weight % of at least one keratin conditioning agent selected from the group consisting of algae extracts, wheat amino acids, wheat protein, hydrolyzed vegetable protein, hydrolyzed vegetable protein derivatives, keratin amino acids, serum protein, yeast extract, hydrolyzed mucopolysaccharides, hydrolyzed animal protein, chitosan, phytantriol, hydrolyzed corn protein, hydrolyzed soy protein, hydrolyzed silk, silk amino acids, other sources of amino acids, and mixtures thereof; and wherein the viscosity of said mascara composition varies from about 40,000 cps to about 150,000 cps, as measured by a Brookfield

viscometer at 77°F, wherein said composition is adapted to be gentle to eyelashes and readily washed off.

38. (new)

A mascara composition comprising a mascara base and a keratin conditioning agent in an amount effective to improve the aesthetic appearance of a keratinous fiber to which said mascara composition is applied, wherein the mascara base is an oil-in-water emulsion comprised of a water phase in an amount of about 50 weight % to about 75 weight % and
5 an oil phase in an amount of about 25 weight % to about 50 weight % of the total composition; and wherein the mascara base comprises:

(a) about 10 weight % to about 20 weight % of a cosmetically acceptable wax consisting essentially of a mixture of:

(i) about 1 weight % to about 10 weight % of at least one soft wax
10 having a melting/softening point of about 35°F to about 65°F, and

(ii) about 1 weight % to about 10 weight % of a wax-like material that is a natural or synthetic resin or resin derivative;

(b) up to about 2.5 weight % of a cosmetically acceptable emulsifier; and about 0.5 weight % to about 5 weight % of at least one keratin conditioning agent selected
15 from the group consisting of algae extracts, wheat amino acids, wheat protein, hydrolyzed vegetable protein, hydrolyzed vegetable protein derivatives, keratin amino acids, serum protein, yeast extract, hydrolyzed mucopolysaccharides, hydrolyzed animal protein, chitosan, phytantriol, hydrolyzed corn protein, hydrolyzed soy protein, hydrolyzed silk, silk amino acids, other sources of
20 amino acids, and mixtures thereof; and wherein the viscosity of said mascara composition varies from about 40,000 cps to about 150,000 cps, as measured by a Brookfield viscometer at 77°F; wherein said composition is adapted to be gentle to eyelashes and readily washed off.